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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/683,600	01/24/2002	Scott C. Harris	Connect-Net	6414	
23844	7590	07/21/2008	EXAMINER		
SCOTT C HARRIS		JACKSON, BLANE J			
P O BOX 927649		ART UNIT		PAPER NUMBER	
SAN DIEGO, CA 92192		2618			
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		07/21/2008		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/683,600	HARRIS, SCOTT C.	
	Examiner	Art Unit	
	Blane J. Jackson	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 June 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 13-15 and 17-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 13-15 and 17-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 June 2008 has been entered.

Response to Arguments

A new search of the prior art has been conducted since the application has been amended or maintained to recite a document that is returned includes text that represents the voice being recognized. This document is clearly understood to be in the form of text to be displayed on the originators device. Consequently, Schwartz is introduced that teaches a central telephone system that records and transcribes a selected telephone conversation to a digital file with recall to the authorized system user.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 13-15 and 17-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwartz (US 6,668,044).

As to claim 13, Schwartz teaches a system, comprising:

a first electronically operated device, receiving a voice to be recognized (figure 1, column 5, line 60 to column 6, line 11, the call originator having a telephone set (12) or personal computer (26) with VOIP),

a second computer, remote from said first electronically operated device, said second computer including automatic voice recognition capability (figure 1, column 6, lines 3-67, centralized archiving facility (20) comprises a personal computer equipped with a telephony termination),

a network connection between said first electronically operated device and said second computer (column 3, lines 33-43 and column 4, lines 5-34, customer is

connected to the centralized archiving facility (CAF) via a PBX (and LAN), PSTN or IP/Internet network),

wherein said first electronically operated device operates to receive said voice to be recognized, and to send information indicative of said voice to be recognized to said second computer, and receive a document that includes text that represents a result of recognizing said voice to be recognized, and where said text in said document represents said voice having been recognized by said second computer (column 6, lines 12-22, column 7, lines 25-47 and column 3, lines 33-43, the conversation is recorded or transcribed in real-time digital files where the content of the communication can be transcribed using voice recognition, speech to text to create a text transcription and delivered to the originator in the form of a FAX as a paper copy or as is well known in the art, via a LAN or IP/Internet for display on personal computer (26)).

As to claim 14 with respect to claim 13, Schwartz teaches wherein said first electronically operated device is included within a portable telephone (figure 1, column 4, lines 5-34, traditional telephony, Internet Protocol telephony and TDM as used by the originating telephone set (12)),

As to claim 15 with respect to claim 13, Schwartz teaches said first electronically operated device is included within a personal digital assistant (column 3, lines 33-43, column 4, lines 19-34, if the user connection to the CAF is via a LAN or IP/Internet

network, the customer uses a personal computer or data terminal used to receive the saved file).

Claim 16 is cancelled.

As to claim 17 with respect to claim 13, Schwartz teaches wherein said recognition results text is displayed on said first computer and includes text indicative of specific words that represent said spoken voice (figure 1, column 3, lines 33-43, column 4, lines 19-34 and column 7, lines 39-46, if the user connection to the CAF is via a LAN or IP/Internet network (24), the customer uses a personal computer, like a PDA or data terminal used to receive the saved file as selected by the customer, as transcribed using voice recognition, speech to text to create a text transcription).

As to claim 18 with respect to claim 13, Schwartz teaches wherein said network connection is a connection over an existing telephone line (column 4, lines 19-34, traditional PSTN telephony or IP/Internet telephony).

As to claims 19 and 25, Schwartz teaches a system comprising:
a first electronic device, having a microphone, and capable of communicating sound received by said microphone (figure 1, column 5, line 60 to column 6, line 11, the call originator having a telephone set (12) or personal computer (26) with VOIP),

a computer, remote from said a-first electronic device (figure 1, column 6, lines 12-67, centralized archiving facility (20) in the form of a personal computer), said first electronic device and said computer having connection capability parts that allow forming a connection between said a-first electronic device and said computer, said connection using a protocol which does not require a dedicated wire connection between said a first electronic device and said computer (column 9, lines 7-15, column 3, lines 33-43 and column 4, lines 19-34, with connection to the customer telephone set (12) or personal computer via the respective PSTN, PBX, LAN or IP/Internet),

 said connection operative to allow data received from said microphone to be sent from said first electronic device to said computer for processing said data, to produce processed information voice recognized text that is based on said data, and to return said processed information voice recognized text from said computer to said a first electronic device, wherein said data is spoken voice requests, said computer recognizes said spoken voice and returns recognition information said voice recognized text in a document that represents said spoken voice to said first electronic device (column 6, lines 12-22, column 7, lines 25-47 and column 3, lines 33-43, the conversation is recorded or transcribed in real-time digital files where the content of the communication can be transcribed using voice recognition, speech to text to create a text transcription and delivered to the originator in the form of a FAX as a paper copy or as is well known in the art, via a local area network (LAN) (24) or IP/Internet for display on personal computer (26)).

As to claims 20 and 25 with respect to claims 19 and 24, Schwartz teaches wherein said connection capability parts include parts that allow making a Bluetooth connection to send said spoken voice and said recognition information (column 4, lines 19-34, rather than a PBX or Centrex System, the customer may utilize a personal computer (26) to send and receive the voice data via a IP/Internet or other network (24), where, as well known in the art, the personal computer may use a wired or wireless (Bluetooth) local area network or modem/ router to access the Internet).

As to claim 21 with respect to claim 19, Schwartz teaches wherein said capability parts include parts that allow making a wireless networking connection(column 4, lines 19-34, rather than a PBX or Centrex System, the customer may utilize a personal computer (26) to send and receive the voice data via a IP/Internet or other network (24), where, as well known in the art, the personal computer may use a wired or wireless (Bluetooth) local area network or modem/ router to access the Internet).

As to claim 22 with respect to claim 19, Schwartz teaches wherein said computer includes a telephone associated therewith (column 4, lines 23-34 and column 6, lines 12-22, the customer is using Voice Over Internet Protocol (VOIP) if using a personal computer).

As to claim 23 with respect to claim 22, Schwartz teaches further comprising a plurality of said telephones, and said computer commands only certain ones of said

telephones to be commanded to communicate, based on applied information (column 3, lines 44-53, column 6, line 12 to column 7, line 47, centralized archiving facility (20) comprising a plurality and methods of voice input for recording is controlled through commands sent by the originator for recording, transcribing and delivery of the voice data).

As to claim 26 with respect to claim 19, Schwartz teaches wherein said document is displayed on a display associated with said first electronic device and said display includes recognized words representing said spoken voice (column 6, lines 12-22, column 7, lines 25-47 and column 3, lines 33-43, the conversation is recorded or transcribed in real-time digital files where the content of the communication can be transcribed using voice recognition, speech to text to create a text transcription and delivered to the originator in the form of a FAX as a paper copy or as is well known in the art, via a local area network (LAN) (24) or IP/Internet for display on personal computer (26) of the customer).

Conclusion

Reference the attached PTO-892 form for the prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-

7890. The examiner can normally be reached on Monday through Thursday, 8:30 AM-7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blane J Jackson/
Primary Examiner, Art Unit 2618

24. (Currently amended) A telephone system, comprising: a computer, having a connection capability parts that allow forming a connection to a remote part, said connection using a protocol which does not require a dedicated wire connection, said connection operative to allow voice data to be received, to recognize said voice data to

produce voice recognition information that is based on said voice data, and to return processed information to the remote part^o said processed information including document information that is representative of said voice recognition information, and in a form that allows said voice recognition information to be displayed as words that represent said voice data, on said remote part. 25. (Previously presented) A telephone system as in claim 24, wherein said connection capability part is a Bluetooth part. -5-